

## 10.43 – Fire Lanes

### Sections

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### [10.43.010 – Fire zone areas \[1\]](#)

1. The Valley Shopping Center, 1415-1535 W. Main Street shall have fire lanes as shown in Exhibit A attached hereto and made part hereof, such real estate being legally described as follows:

That part of the Southwest quarter of Section 28 and part of the Northwest quarter of Section 33, Township 40 North, Range 8 East of the Third Principal Meridian, described as follows:

Commencing at the Southwest corner of Evergreen Addition to St. Charles; thence, North 1°04' west along the west line of Fourteenth Street 60 feet for the point of beginning; thence, South 89° 35' west, 856.85 feet to a point 60 feet east of the east line of Fairview Plaza Unit No. 1; thence, North 1° 25' east parallel with said east line 424.02 feet to the south line of Walnut Street extended from the East; thence South 89° 17' east along said extended South line 20 feet; thence North 1° 25' east parallel with the east line of Fairview Plaza Unit No. 1 aforesaid, 465.67 feet to a point 54 feet south of the center line of State Route No. 64; thence, South 89° 17' east parallel with said center 778.44 feet; thence South 1° 04' east parallel with the west line of Fourteenth Street 459.83 feet to the south line of Walnut Street extended from the east; thence, South 89° 17' east along said extended South line 20 feet to the west line of Fourteenth Street; thence, south 1° 04' east along said west line to the point of beginning, (excepting therefrom the following: that part of the northwest quarter of Section 33, Township 40 North, Range 8 east of the Third Principal Meridian, described as follows: Commencing at the southwest corner of Evergreen Addition to St. Charles; thence; North 1° 04' west along the west line of Fourteenth Street 60 feet for the point of beginning; thence, South 89° 35' west 856.85 feet to a point 60 feet

east of, measured along the last described line extended, the east line of Fairview Plaza Unit No. 1; thence, North 1° 25' east parallel with the east line of said Fairview Plaza Unit No. 1; 160 feet; thence north 89° 35' east 849.16 feet to the west line of said Fourteenth Street; thence, south 1° 04' east along said west line 160 feet to the point of beginning, in the City of St. Charles, Kane County, Illinois; Also, except following described parcel: That part of the East half of the Northwest Quarter of Section 33, Township 40 North, Range 8 East of the Third Principal Meridian, described as follows: beginning at the point of intersection of the South line of Main Street (Illinois Route #64) and the West line of 14th Street, as presently laid out; thence, Southerly along said West line of 14th Street, 425.0 feet to a point; thence, Westerly at right angles to said West line of 14th Street, 430.54 feet to said southerly line of Main Street; thence, Easterly 188.08 feet to the point of beginning, all in the City of St. Charles, Kane County, Illinois.

(Ord. 1984-M-80 § 1; Ord. 1983-M-56 § 1 (part).)

2. Tin Cup Pass Shopping Center, 1544-1590 East Main Street, shall have fire lanes as shown in Exhibit B attached hereto and made part hereof, such real estate being legally described as follows:

Parcel 1: That part of Lots 19 and 21 and Vacated Frontage Road in Block 3, Surrey Hill, Unit 2, St. Charles, Kane County, Illinois, described as follows:

Commencing at the Northwest corner of Lot 20 in said Block 3; thence Southerly along the West line of said Lot 20, 227.18 feet to the Southwest corner of said Lot 20; thence Westerly along a line drawn concentric and parallel with and 90.0 feet Northerly of the center line (measured radially and at right angles thereto) of East Main Street 355.0 feet for a point of beginning; thence Southerly parallel with said line 40.30 feet to a point that is 50.0 feet Northerly of said center line (measured at right angles thereto); thence Easterly parallel with said center line 127.65 feet; thence Northerly parallel with West line 335.23 feet to the North line of said Lot 19; thence Westerly along said North line 126.70 feet to a line drawn parallel with said West line from the point of beginning; thence Southerly parallel with said well line 310.37 feet to the point of beginning in the city of St. Charles, Kane County, Illinois.

Parcel 2: That part of Lots 19, 21 and Vacated Frontage Road in Block 3, Surrey Hill, Unit No. 2, described as follows:

Beginning at the Northwest corner of Lot 20 in said Block 3; thence Southerly along the West line of said Lot 20, 227.18 feet to the Southwest corner of said Lot 20; thence Westerly along a line drawn concentric and parallel with and 90.0 feet Northerly of the center line (measured radially and at right angles thereto) of East Main Street 225.0 feet; thence Northerly parallel with said West line 294.64 feet to the North line of said Lot 19; thence Easterly along said North line 532.60 feet to a Northeasterly corner of said Lot 19; thence Southerly along and East line of said Lot 20; thence Westerly along the North line of said Lot 20, 310.0 feet to the point of beginning, in the city of St. Charles, Kane County, Illinois.

Parcel 3: That part of Lots 19 and 21 and Vacated Frontage Road in Block 3, Surrey Hill, Unit No. 2, described as follows:

Commencing at the Northwest corner of Lot 20 in said Block 3, thence Southerly along the West line of said Lot 20, 227.18 feet to the Southwest corner of said Lot 20; thence Westerly along a line drawn concentric and parallel with and 90.0 feet Northerly of the center line (measured radially and at right angles thereto) of East Main Street 227.35 feet for a point of beginning; thence Northerly parallel with said West line 294.93 feet to the North line of said Lot 19; thence Easterly along said North line 2.33 feet; thence Southerly parallel with West line 294.64 feet to a point that is 90.0 feet Northerly of said center line (measured at right angles thereto); thence Easterly parallel and concentric with said center line 139.07 feet; thence Southerly radial to the last described course at the last described point 40.0 feet to a point that is 50.0 feet Northerly of said center line measured radially therefrom); thence Westerly concentric and parallel with said center line 147.52 feet to a line drawn Southerly parallel line 40.3 feet to the point of beginning in the city of St. Charles, Kane County, Illinois.

Parcel 4: Lot 20 in Block 3 of Surrey Hill Unit No. 2, in the city of St. Charles, Kane County, Illinois.

Parcel 5 That part of vacated Frontage Road in Block 3, Surrey Hill, Unit No. 2, described as follows:

Commencing at the Northwest corner of Lot 20 in said Block 3, thence Southerly along the West line of said Lot 20, 227.18 feet to the Southwest corner of said Lot 20, for the point of beginning; thence Westerly along a line drawn concentric with and 90.0 feet Northerly of the center line (measured radially thereto) of East Main Street, 85.93 feet; thence Southerly radial to said center line 40.0 feet to a point that is 50.0 feet Northerly of said center line (measured radially thereto); thence Easterly concentric with said centerline, 79.79 feet to said West line extended Southerly from the point of beginning; thence Northerly along said West line extended 40.60 feet to the point of beginning, in the city of St. Charles, Illinois.

3. R. W. Wilson Company, 218-220 North 4th Street, shall have fire lanes as shown in Exhibit C attached hereto and made part hereof, such real estate being legally described as follows:

That part of the West fraction of the Southwest quarter of Section 27, Township 40 North, Range 8 East of the third principal meridian described as follows:

Beginning at a point in the Easterly line of Fourth Street North 11 30' West 258 feet from the Northwest corner of Block 47 of the original town of St. Charles, thence Easterly parallel with the Northerly line of Block 47 aforesaid 150 feet; thence northerly parallel with the Easterly line of Fourth Street 142 feet; thence Westerly parallel with the Northerly line of Block 47 aforesaid, 150 feet to the Easterly line of Fourth Street; thence Southerly along the Easterly line of said street 142 feet to the place of beginning in the city of St. Charles, Kane County, Illinois.

4. St. Charles Mall, 2067 Prairie Street, shall have fire lanes as shown in Exhibit D attached hereto and made part hereof, such real estate being legally described as follows:

Parcel 1: That part of the southwest quarter of Section 33, Township 40 North, Range 8 east of the third principal meridian, described as follows:

Commencing at the southeast corner of Joe Keim's Randall Road Subdivision, St. Charles Township, Kane County, Illinois; thence southeasterly along the northeasterly line of Illinois State Route No. 38, 354.0 feet for a point of beginning, thence northeasterly at right angles to the last described course 350.0 feet; thence northwesterly at right angles to the last described course 9.0 feet; thence northeasterly at right angles to the last described course 163.92 feet to a line drawn parallel with and 560.0 feet easterly of the east line of said subdivision (measured along the center line of Prairie Street); thence northerly parallel with said east line 447.67 feet to a point that is 40.0 feet southerly of the center line (measured at right angles thereto) of Prairie Street; thence easterly parallel with said center line 334.54 feet to a line drawn parallel with and 894.54 feet easterly of said east line (measured along said center line); thence southerly parallel with said east line 169.12 feet to a line drawn parallel with and 935.0 feet northeasterly of said northeasterly line (measured at right angles thereto) of Illinois State Route No. 38; thence southeasterly parallel with said northeasterly line 956.91 feet to a line drawn at right angles to said northeasterly line from a point on said northeasterly line that is 1086.0 feet southeasterly of the point of beginning (measured along said northeasterly line); thence southwesterly at right angles to the last described course 935.0 feet to said northeasterly line; thence northwesterly along said northeasterly line 494.0 feet to a point that is 592.0 feet southeasterly of the point of beginning; thence northeasterly at right angles to the last described course 203.0 feet; thence northwesterly at right angles to the last described course 124.00 feet; thence southwesterly at right angles to the last described course 203.0 feet to said northeasterly line; thence northwesterly along said northeasterly line 468.0 feet to the point of beginning, in the city of St. Charles, Kane County, Illinois.

Parcel 2: All of those certain easements, privileges, rights of use, powers and all other rights or interests for the benefit of parcel one, including but not limited to a non-exclusive easement for the free and unrestricted use of the driveways, sidewalks and vehicle parking lots located on and over the land described in that certain reciprocal construction, operating and easement agreement between State Bank of St. Charles, as trustee under Trust Number 1393, and State Bank of St. Charles, as trustee under Trust Number 1385 dated January 15, 1979 and recorded February 13, 1979 as Document 1494080.

5. Fox Island Square, 1 West Illinois Street, shall have fire lanes as shown in Exhibit E attached hereto and made part hereof, such real estate being legally described as follows:

Parcel 1: Lots 1 and 2 and the northerly 10.0 feet of Lots 3 and 4 (except the easterly 16.50 feet of said Lot 4) in Block 37 of the Original Town of St. Charles, on the west side of the Fox River; also that part of the Northwest Quarter of Section 34, Township 40 North, Range 8 East of the Third Principal Meridian described as follows: Beginning at the northeast corner of Lot 2 in said Block 37; thence easterly along the southerly line of Illinois Street extended easterly to the westerly margin of the Fox River; thence southerly along the westerly margin of said River to a point on the southerly line of Lots 1 and 2 in Block 37 aforesaid, extended easterly; thence westerly along said extended southerly line to the southeast corner of said Lot 2; thence northerly along the easterly line of said Lot 2 to the point of beginning, all in the city of St. Charles, Kane County, Illinois.

Parcel 2: Lots 5 and 6 and the easterly 16.50 feet of Lot 4 in Block 37 of the Original Town of St. Charles, on the west side of the Fox River; and also that part of the northwest Quarter of Section 34, Township 40 North, Range 8 East of the Third Principal Meridian, lying westerly of the Fox River, easterly of said Lot 6 and between the northerly and southerly lines thereof extended easterly to said Fox River, all in the city of St. Charles, Kane County, Illinois.

Charlestowne Centre Mall, 3800 East Main Street, shall have fire lanes as shown in Exhibit F attached hereto and made part hereof, such real estate being legally described as Lot 1 Charlestowne Centre Mall Subdivision.

6. Charlestowne Centre Mall, 3800 East Main Street, shall have fire lanes as shown in Exhibit F attached hereto and made part hereof, such real estate being legally described as Lot 1 Charlestowne Centre Mall Subdivision.
7. Pheasant Run, Inc., a Delaware Corporation, shall have fire lanes as shown in Exhibit G attached hereto and made a part hereof, such real estate being legally described as follows:

A part of the South  $\frac{1}{2}$  of Section 30, Township 40 North, Range 9 East of the Third Principal Meridian, in DuPage County, Illinois; being more particularly described as follows with bearings for descriptive purposes only:

Commencing at the Southwest corner of said Section 30; thence north 00 degrees 09 minutes 53 seconds West, along the West line of the Southwest  $\frac{1}{4}$  of said Section 30, a distance of 1040.00 feet to the point of beginning of the tract described herein; thence continuing North 00 degrees 09 minutes 53 seconds West, along said West line, a distance of 1555.17 feet to a point on the Southerly right-of-way line of North Avenue (Illinois Route No. 64); thence North 88 degrees 25 minutes 41 seconds East, along said Southerly right-of-way line, a distance of 3062.61 feet to the point of curvature of a curve to the right having a central angle of 02 degrees 56 minutes 18 seconds, on a chord bearing of South 88 degrees 48 minutes 57 seconds East, a chord distance of 386.65 feet to a point on the West line of a tract of land as shown on the Wayne Township Supervisor's Assessment Plat No. 2, the last named course being along the aforementioned Southerly right-of-way line of North Avenue (Illinois State Route No. 64); thence South 00 degrees 29 minutes 12 seconds West, along said West line of a tract of land as shown on the Wayne Township Supervisor's Assessment Plat No. 2, a distance of 1982.51 feet to the Northerly line of a tract of land as shown on the DuPage County Assessment Plat No. 1, recorded as document 856854 in the Recorder of Deeds Office, DuPage County, Illinois; thence North 84 degrees 08 minutes 51 seconds West, along said Northerly line, a distance of 3444.67 feet to the point of beginning.


Also known as:


That part of the South  $\frac{1}{2}$  of Section 30, Township 40 North, Range 9 East of the Third Principal Meridian, described by commencing at the Southwest corner of said Section 30; thence North along the West line of said Section 30 a distance of 1040 feet for a point of beginning; thence continuing North along said West line 1554.38 feet to the South line of State Route Number 64; thence North 88 degrees 35 minutes 37 seconds East, along said South line 3062.61 feet to the point of curve of a curve to the right having a radius of 7539.49 feet; thence Easterly along said curve; said curve being the Southerly line of said State Route Number 64, a distance of 384.58 feet to the West line of the Wayne Township Supervisor's Assessment Plat Number 2; thence South 00 degrees 39 minutes 18 seconds West, along said West line 1983.37 feet to the Northerly line of the DuPage County Airport Assessment Plat No. 1, recorded as document 856854; thence North 84 degrees 06 minutes West, along said Northerly line 3444.67 feet to the point of beginning, in DuPage County, Illinois.


## 10.43 – Fire Lanes


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Exhibits:  [Exhibit A 10-43-010.pdf](#) [2]


 [ExB 10-43-010.pdf](#) [3]

 [ExC 10-43-010.pdf](#) [4]

 [ExD 10-43-010.pdf](#) [5]

 [ExE 10-43-010.pdf](#) [6]

 [ExF 10-43-010.pdf](#) [7]

 [ExG 10-43-010.pdf](#) [8]

([2004-M-98](#) [9]: § 1; [1994-M-30](#) [10]: § 1; [1992-M-54](#) [11]: § 1; [1991-M-59](#) [12]: § 1; [1990-M-81](#) [13]: § 1)

### [10.43.020 – Fire lanes - Prohibition](#) [14]

It is unlawful for any person to cause, allow, or permit any vehicle to be parked in a designated fire lane, except as authorized by a police officer or fireman of the City.

([1984-M-80](#) [15]: § 1; [1983-M-56](#) [16]: § 1 (part))

### [10.43.030 – Discharging claim](#) [17]

Any person accused of a violation of any portion of Section 10.43.020 may settle and compromise the claim against him or her for such illegal parking by paying to the City the sum of fifty (\$50.00) dollars. If the claim is not settled within fourteen (14) days after the ticketing, such person shall have an additional fourteen (14) days to settle such claim, but at the sum of One Hundred (\$100.00) dollars. If the claim is not settled within the 28-day period, the Police Department shall initiate the appropriate legal action against the alleged violator. The payment may be made at the Municipal Center of the City, located at 2 East Main Street, St. Charles, Illinois, 60174. Such payments received shall be promptly turned over and credited to the appropriate fund. This section shall not apply to persons parking a vehicle so as to obstruct the entrance or exit of any place where Police or Fire Department apparatus or other emergency equipment is kept or housed, or so as to block an emergency entrance to a hospital, nor shall this section apply to any person charged with parking a vehicle so as to entirely obstruct traffic on any street or alley, or parking in such a way as to reduce traffic on an arterial street to one-way traffic only; nor to any person charged with double parking or parking in a tow-away zone; nor shall this section apply to any person who refuses at the request of any member of the Police Department to move a vehicle illegally parked.

([2003-M-81](#) [18]: § 1; [1984-M-80](#) [15]: § 1; [1983-M-56](#) [16]: § 1 (part))

### [10.43.040 – Illegally parked vehicles - Removal by Police - Storage - Post storage hearings for impounded vehicles - Conduct of hearing - Decisions of hearing officer](#)

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[and their effect.](#) [19]

1. Any vehicle unlawfully parked may be towed by, or at the direction of a police officer of the city.
2. Cars so towed away shall be stored on any city property or in a public garage or parking lot and shall be restored to the owner or operator thereof after payment of the expense incurred by the city in removing and storing such vehicles.
3. Post-Storage Hearings for Impounded Vehicles: As to any vehicle impounded pursuant to this chapter by or at the request of the city, its agents or employees, a person who has a legal entitlement to possession of the vehicle has a right to a post-seizure administrative hearing to determine whether there was probable cause to impound the vehicle if such person files a written demand, on forms so provided for such a hearing, with the city within ten days after such person has learned such vehicle has been impounded or within ten days after the mailing of the date set in the notice of stored vehicle, whichever occurs first. The notice of stored vehicle shall be sent in the mail to the legal and registered owner, or their agent, and to the garage where the vehicle is stored within forty-eight hours, excluding weekends and holidays, after impounding and storage of the vehicle.
4. Conduct of Hearing: A hearing shall be conducted before a hearing officer designated by the Mayor within forty-eight hours of receipt of a written demand therefore from the person seeking the hearing unless such person waives the right to a speedy hearing. Saturdays, Sundays and city holidays are to be excluded from the calculation of the forty-eight-hour period. The hearing officer shall be someone other than the person who directed the impounding and storage of the vehicle. The sole issue before the hearing officer shall be whether there was probable cause to impound the vehicle in question. "Probable cause to impound" means such a state of facts as would lead sufficient breach of local, state or federal law to grant legal authority for the removal of the vehicle. The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The Police Department shall carry the burden of establishing that there was probable cause to impound the vehicle in question. At the conclusion of the hearing, the hearing officer shall prepare a written decision. A copy of such decision shall be provided to the person demanding the hearing and the registered owner of the vehicle (if not, the person requesting the hearing). The hearing officer's decision in no way affects any criminal proceeding in connection with the impound in question and any criminal charges involved in such proceeding may only be challenged in the appropriate court. The decision of the hearing officer is final. Failure of the registered or legal owner, or their agent to request or attend a scheduled post-seizure hearing shall be deemed a waiver of the right to such hearing.
5. Decision of the hearing officers and their effect: The hearing officer shall only determine that, as to the vehicle in issue, either:
  1. There was probable cause to impound the vehicle; or
  2. There was no such probable cause. In the event that the hearing officer determines that there was no probable cause, the hearing officer shall prepare and date a certificate of no probable cause, copies of which shall be given to the possessor of the vehicle and the Police Department. Upon receipt of the possessor's copy of such certificate, the official police garage having custody of the vehicle, shall release the vehicle to its possessor. Upon a finding of no probable cause, towing and storage fees shall be paid by the city in accordance with arrangements made between the city and the official police garages. If the possessor fails to present such certificate to the official police garage having custody of the vehicle within twenty-four hours of its receipt, excluding such days when the official police garage is not open for business, the possessor shall assume liability for all subsequent storage charges. Such certificate shall advise the possessor of such requirement.

([1984-M-80](#) [15]: § 1; [1983-M-56](#) [16]: § 1 (part))

### 10.43.050 – Signs [20]

The Director of Public Works is authorized and directed to post or to erect and to maintain suitable signs bearing the inscription: "Fire Lane - No Parking." The Director of Public Works is also authorized and directed to designate the fire zone by painting the pavement.

([1983-M-56](#) [16]: § 1 (part))

### 10.43.060 – Violation - Penalty [21]

Any person who violates any section of this chapter shall, upon conviction, be fined in accordance with the general penalty set forth in Section 10.60.010 of the Municipal Code of the City of St. Charles. Each day upon which a violation occurs or continues shall constitute a separate offense.

([2005-M-63](#) [22]: § 9; [1984-M-80](#) [15]: § 1; [1983-M-56](#) [16]: § 1 (part))

### 10.43.070 – Automatic repeal [23]

1. Section 10.43.010 (a) shall automatically terminate and be repealed upon the termination of that certain agreement by and between the city of St. Charles and The Aurora National Bank, as Trustee under Trust Agreement dated September 12, 1975 and known as Trust No. 1474, dated November 7, 1983.
2. Section 10.43.010 (b) shall automatically terminate and be repealed upon the termination of that certain agreement by and between the city of St. Charles and Tin Cup Pass Ltd., dated October 15, 1990.
3. Section 10.43.010 (c) shall automatically terminate and be repealed upon the termination of that certain agreement by and between the city of St. Charles and Ralph W. and Ann Jean Wilson, dated October 15, 1990.
4. Section 10.43.010 (d) shall automatically terminate and be repealed upon the termination of that certain agreement by and between the city of St. Charles and Harris Bank St. Charles as Trustee of Trust No. LT-1393.
5. Section 10.43.010 (e) shall automatically terminate and be repealed upon the termination of that certain agreement by and between the city of St. Charles and the State Bank of St. Charles not individually by as Trustee under Trust No. LT-2199.
6. Section 10.43.010 (f) shall automatically terminate and be repealed upon the termination of that certain agreement by and between the city of St. Charles and Charwil Associates Limited Partnership dated June 6, 1994.
7. Section 10.43.010 (g) shall automatically terminate and be repealed upon the termination of that certain agreement by and between the City of St. Charles and Pheasant Run Inc., a Delaware Corporation, dated December 20, 2004.

([2004-M-98](#) [9]: § 1; [1994-M-30](#) [10]: § 1; [1992-M-54](#) [11]: § 1; [1991-M-59](#) [12]: § 1; [1990-M-81](#) [13]: § 1;

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[1984-M-80](#) [15]: § 1; [1983-M-56](#) [16]: § 1 (part))